

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed July 29, 2010. At the time of the Office Action, Claims 1-2, 5-10, 12-21, 25, 27-30, 32-37, 41, 43-50, 59-60 and 67-85 were pending in the Application. Claims 1-2, 8-10, 12-16, 21, 25, 27-30, 32-37, 43-50, 59-60 and 67-85 were rejected. The Examiner objected to Claims 5-7, 17-20 and 41. Applicant amends several Independent Claims without prejudice or disclaimer in an effort to expedite the prosecution of this case. The amendments to these claims are not the result of any Prior Art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Specification

The Examiner objects to the Specification for failing to provide a proper antecedent basis for the claimed subject matter for "computer readable medium". Applicant has made certain amendments to address the Examiner's concern.

Allowable Subject Matter & Section 101 Rejection

Applicant acknowledges and appreciates the Examiner's indication that Claims 5-7, 17-20 and 41 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner rejects Claims 37, 41-42, 44-46, 73-75 and 84-85 under 35 U.S.C. §101 and stated that the claimed invention is directed to non-statutory subject matter. Applicant has made a modest amendment to the identified

Independent Claims in an effort to address the Examiner's concern and to comply with the ever-changing §101 guidelines at the USPTO.

Any amendment in this regard should not be construed as an agreement with or acquiescence to the propriety of the Examiner's contention. Applicant reserves the right to comment on the appropriateness of the §101-based amendment at a future time, should Applicant deem it appropriate to do so.

Section 112 Rejection

The Examiner rejects Claims 1, 10, 15, 21, 25, 30, 37, 42 and 47 under 35 U.S.C. §112, second paragraph, as having an insufficient antecedent basis to recite the limitation "the status." Applicant has made certain amendments to address the Examiner's concern.

Section 103 Rejections

The Examiner rejects Claims 1-2, 8-10, 14-16, 21-23, 25, 29-30, 35-37, 42, 46-50, 59-60, 69, 72, 75 and 78-85 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,721,334 issued to Ketcham (hereinafter "*Ketcham*") in view of U.S. Patent No. 5,781,726 issued to Pereira (hereinafter "*Pereira*"), in further view of U.S. Patent No. 6,775,709 issued to Elliot (hereinafter "*Elliot*"). The Examiner further rejects numerous claims under 35 U.S.C. §103(a) as being unpatentable over various references including U.S. Patent No. 5,964,837 issued to Chao et al. (hereinafter "*Chao*"), Simpson ("RFC 1661: Point-to-Point Protocol," July 1994) (hereinafter "*Simpson*") and Rosenberg et al. ("An RTP Payload Format for User Multiplexing," May 1998) (hereinafter "*Rosenberg*").

Applicant respectfully reminds the Examiner that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.¹

It is respectfully submitted that the rejected claims are patentable over the art of record based on at least the third criterion of obviousness: none of the references alone or in combination teach, suggest, or disclose each claim limitation of the Independent Claims. The Examiner has indicated a number of allowable limitations, where variations of these allowable limitations have been incorporated into each of the Independent Claims. For at least these reasons, the Independent Claims are allowable over the cited references, or combination of references. Additionally, the corresponding dependent claims from these Independent Claims are also patentably distinct for analogous reasons. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

¹ See M.P.E.P. §2142-43.

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CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

No additional fees are believed due. However, please apply any other charges or credit any overpayment to Deposit Account No. 50-4889 of PATENT CAPITAL GROUP, referencing the attorney docket number referenced above.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at (214) 823-1241.

Respectfully submitted,

Patent Capital Group
Attorneys for Applicant

/Thomas J. Frame/

Thomas J. Frame
Reg. No. 47,232

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Customer No. 86421